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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,898	09/19/2001	Dillis V. Allen		9911

7590 09/21/2004  
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EXAMINER


SEMUNEGUS, LULIT

ART UNIT PAPER NUMBER

3641

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/955,898	Applicant(s) ALLEN, DILLIS V.7 	
	Examiner Lulit Semunegus	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. In view of the Appeal Brief filed on May 07, 2004, PROSECUTION IS HEREBY REOPENED. New Grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2728993 hereinafter referred to as '993. '993 teaches an integrated NLW system for aircraft: having a cockpit separated from a cabin by a cockpit bulkhead, comprising: a seal system for the bulkhead impervious to the selected NLW material in the cabin, and an NLW supply system for the cabin (abstract-pilot in isolated section).

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4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (3,658,277). Anderson teaches an integrated NLW system for aircraft: having a cockpit separated from a cabin by a cockpit bulkhead (17,18), comprising: a seal system (col. 3, lines 26-33) for the bulkhead impervious to the selected NLW material in the cabin, and an NLW supply system (46) for the cabin (col. 3, lines 60-75); an exhaust system (47) for cabin NLW material; and an interior master control IMC (45) for activating the NLW supply system and for thereafter terminating the S and activating the exhaust system (col. 3, lines 70 continued to col. 4, lines 1-4).

5. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by ZA 7605910 hereinafter referred to as '910. '910 teaches an integrated NLW system for aircraft: having a cockpit separated from a cabin by a cockpit bulkhead, comprising: a seal system for the bulkhead impervious to the selected NLW material in the cabin, and an NLW supply system for the cabin (abstract); an exhaust system (gas conduit) for cabin NLW material; and an interior master control IMC (via valve) for activating the NLW supply system and for thereafter terminating the S and activating the exhaust system (gas conduit).

6. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2662419 hereinafter referred to as '419. '419 teaches an integrated NLW system for aircraft: having a cockpit separated from a cabin by a cockpit bulkhead, comprising: a seal system (2) for the bulkhead impervious to the selected NLW material in the cabin, and an NLW supply system for the cabin (abstract); an exhaust system (5) for cabin NLW material.

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7. A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Meszaros (US 2003/0057324 teaches an integrated NLW system for aircraft: having a cockpit separated from a cabin by a cockpit bulkhead, comprising: a seal system for the bulkhead impervious to the selected NLW material in the cabin, and an NLW supply system for the cabin (abstract).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (3,658,277) in view of BE 1009601 hereinafter referred to as '601. Anderson teaches all the limitations of claims 2 and 5-6 except a first and second air-conditioning system. BE 1009601 teaches exhausting NLW into the cabin through the air conditioning system. At the time of the invention, it would have been obvious to one

ordinarily skilled in the art to have the bulkhead seal system of Anderson into the '601 invention for further hijacking prevention method.

11. Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (3,658,277) in view of ZA 7605910 hereinafter referred to as '910.

Anderson teaches all the limitations of claims 2 and 5-6 except a first and second air-conditioning system. '910 teaches exhausting NLW into the passenger cabin through a gas conduit. At the time of the invention, it would have been obvious to one ordinarily skilled in the art to utilize the air-conditioning system as the gas conduit of '910.

12. Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (3,658,277) in view of FR 2662419 hereinafter referred to as '419.

Anderson teaches all the limitations of claims 2 and 5-6 except a first and second air-conditioning system. '419 teaches exhausting NLW into the passenger cabin through a piping. At the time of the invention, it would have been obvious to one ordinarily skilled in the art to utilize the air-conditioning system as the piping instead of the gas tank of '419.

13. Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over by FR 2728993 ('993) in view of Bruensicke (4,552,325).

Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over ZA 7605910 ('910) in view of Bruensicke (4,552,325).

Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2662419 ('419) in view of Bruensicke (4,552,325).

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In regards to the above rejections, Bruensicke teaches a first air conditioning system for the cockpit and a second air conditioning system for the cabin (col. 3, lines 56-66). At the time of the invention it would have been obvious to one ordinarily skilled in the art have a separate air-conditioning system as taught by Bruensicke to protect the pilots from being affected by NLW as taught in '993, '419 and '910.

### ***Conclusion***

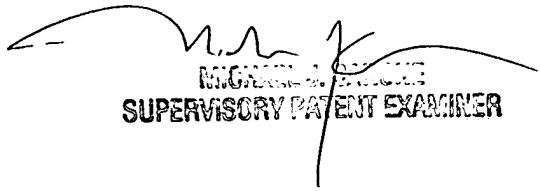
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Lulit Semunegus  
Examiner  
Art Unit 3641



**SUPERVISORY PATENT EXAMINER**